

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Currently, claims 51-88 are pending in this application.

Rejection Under 35 U.S.C. §103:

The rejection of claims 28-50 under 35 U.S.C. §103 as allegedly being made “obvious” based on Melen (WO ‘646) in view of Green et al. (U.S. ‘084, hereinafter “Green”) is respectfully traversed with respect to new claims 51-88.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Melen and Green fails to teach or suggest all of the claim limitations. For example (but without limitation), the combination fails to teach or suggest for example, generating charging data relating to the use of connections over a permanently activated communications network link.

Melen does not teach or suggest such a permanently activated communications network link, as this reference merely deals with dial-up and ISDN only.

Page 5, lines 7-9 of the September 23, 2004 Office Action alleged (in the context of now canceled claim 17) that Figs. 1-4 and col. 4, lines 48-52 of Green disclose a permanently activated communications link. Applicant respectfully disagrees with this allegation. Col. 4, lines 48-52 of Green states:

“If a proxy were to operate at a data link layer, referred to as a MAC layer, it would capture Ethernet frames and examine the addresses in the MAC header, and filter the payload portion (IP datagrams) to determine Internet Protocol (IP) addresses.”

HOLMES

Application No. 09/868,245

October 28, 2005

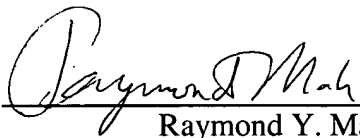
As can be plainly seen, this portion of Green (and also all other portions) fails to teach a permanently activated communications link. Accordingly, even if Green and Melen were combined as proposed by the Office Action, the combination would not have taught or suggested all of the claim limitations.

Conclusion:

Accordingly, this entire application is now believed to be allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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